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ANNA ENG

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHRISTINA ENG EVINER,

Plaintiff,

v.

YOKETING ENG a/k/a BARRY
ENG, TRINH ENG, ANNA ENG, et
als.
Defendants.

Case No. 2:12-cv-02245-CCC-JAD

**FIRST AMENDED ANSWER TO FIRST
AMENDED COMPLAINT,
AFFIRMATIVE DEFENSES, JURY
DEMAND, AND CERTIFICATION
PURSUANT TO LOCAL RULE 11.2 OF
DEFENDANT ANNA ENG**

Defendant ANNA ENG, residing at 3051 Brighton 14th Street, City of New York, Borough of Brooklyn, County of Kings, and State of New York, Postal Zip Code 11235 ("Anna"), by way of answer to the First Amended Complaint ("complaint") of Plaintiff CHRISTINA ENG EVINER ("Christina"), says:

AS TO THE PARTIES

1. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

2. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
3. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
4. Anna admits the allegations of this paragraph.
5. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
6. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
7. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
8. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
9. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
10. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
11. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
12. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
13. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

14. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

15. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

16. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

17. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

18. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

19. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

20. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

21. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

22. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

23. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

24. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

25. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

26. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

27. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

27a. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

AS TO JURISDICTION AND VENUE

28. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

29. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

30. Defendant Anna denies that any of her conduct was wrongful and/or fraudulent; as to the remainder of the allegations of paragraph 30, Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations.

AS TO FACTS COMMON TO ALL CLAIMS

31. Anna admits the allegations of this paragraph.

32. Anna admits the allegations of this paragraph.

33. Anna admits the allegations of this paragraph.

34. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

35. Anna denies making the representation attributed to Anna in this paragraph; as to the remainder of the allegations of paragraph 35, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

36. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

37. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

38. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

39. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

40. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

41. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

42. Anna denies the allegations of this paragraph.

43. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

AS TO THE FIRST CAUSE OF ACTION

(Conversion)

44. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.
45. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
46. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
47. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
48. Anna denies having engaged in any fraudulent scheme to divert, embezzle, misappropriate and fraudulently transfer dividends, income, distributions and assets of Plaintiff; as to the balance of the allegations of paragraph 48, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.
49. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
50. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
51. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

52. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

53. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE SECOND CAUSE OF ACTION

(Conspiracy to Commit Fraud)

54. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.

55. Anna denies having agreed to conspire or scheme to engage in an illegal or unlawful act, or to engage in a lawful or legal act by unlawful or illegal means, or to have taken any act in furtherance thereof; as to the balance of the allegations of paragraph 55, Anna lacks knowledge or information sufficient to form a belief as to the truth of said allegations.

56. Anna denies having participated in the alleged civil conspiracy; as to the balance of the allegations of paragraph 56 Anna without knowledge or information sufficient to form a belief as to the truth of said allegations.

57. Anna denies having acted in concert with anyone to misappropriate monies from Christina; as to the balance of the allegations of paragraph 57, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

58. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

59. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE THIRD CAUSE OF ACTION

(Aiding and Abetting Fraud)

60. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.

61. Anna denies having pursued a common plan or design to commit a fraud upon Christina; as to the balance of the allegations of paragraph 61, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

62. Anna denies having been actively involved, or having aided or encouraged the commission of a fraud upon Christina; as to the balance of the allegations of paragraph 62, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

63. Anna denies having a common plan or design to commit fraud against Plaintiff; as to the balance of the allegations of paragraph 63, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE FOURTH CAUSE OF ACTION

(New Jersey Civil Racketeering and Corrupt Organizations Act)

64. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.
65. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
66. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
67. Anna denies the allegations of this paragraph.
68. Anna denies having engaged in a pattern of racketeering activity; as to the balance of the allegations of paragraph 68, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.
69. Anna denies having engaged in acts of theft and related crimes, and/or forgery and related crimes; as to the balance of the allegations of paragraph 69, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.
70. Anna denies committing any of the acts set forth in subparagraphs (a) through (g) of paragraph 70 of the complaint; as to the balance of the allegations of paragraph 70, including without limitation the allegations of subparagraphs (a) through (g), Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

71. Anna denies having participated in a pattern of racketeering activity to use or invest, directly or indirectly, part of the income, or the proceeds of the income, for the acquisition or interest in, or the establishment or operation of an enterprise which is engaged in activities that affect trade or commerce; as to the balance of the allegations of paragraph 71, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

72. Anna denies having been employed by, or associated with, an enterprise engaged in activities that affect trade or commerce, directly or indirectly, in the conduct of the enterprise's affairs, through a pattern of racketeering activity; as to the balance of the allegations of paragraph 72, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

73. Anna denies having committed any wrongful conspiracy; as to the balance of the allegations of paragraph 73, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

74. Anna denies having committed any wrongful Predicate Acts; as to the balance of the allegations of paragraph 74, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

75. Anna denies having engaged in a pattern of racketeering activity; as to the balance of the allegations of paragraph 75, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE FIFTH CAUSE OF ACTION

(Fraud)

76. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.
77. Anna denies making any fraudulent and/or knowingly false misrepresentations to Christina; as to the balance of the allegations of paragraph 77, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.
78. Anna denies making any fraudulent and/or knowingly false misrepresentations to Christina; as to the balance of the allegations of paragraph 78, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.
79. Anna denies fraudulently concealing paragraph 79's alleged facts from Christina; as to the balance of the allegations of paragraph 79, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.
80. Anna denies making any fraudulent misrepresentations to Christina; as to the balance of the allegations of paragraph 80, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.
81. Anna denies having made any fraudulent representations for the purpose of inducing Christina to rely upon them; as to the balance of the allegations of paragraph 81, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

82. Anna denies having made any fraudulent representations to Christina; as to the balance of the allegations of paragraph 82, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

83. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

84. Anna denies engaging in any wrongful acts against Christina, willful, wonton, or otherwise; as to the balance of the allegations of paragraph 84, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE SIXTH CAUSE OF ACTION

(Constructive Fraud)

85. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.

86. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

87. Anna denies having made fraudulent and/or knowingly false representations to Christina regarding ownership of shares of stock to convert the same for her improper personal use and profit; as to the balance of the allegations of paragraph 87, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

88. Anna denies having made any fraudulent misrepresentations to Christina; as to the

balance of the allegations of paragraph 88, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

89. Anna denies having made any fraudulent misrepresentations to Christina; as to the balance of the allegations of paragraph 89, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

90. Anna denies having made any fraudulent misrepresentations to Christina; as to the balance of the allegations of paragraph 90, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE SEVENTH CAUSE OF ACTION

(Unjust Enrichment)

91. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.

92. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 92, including without limitation subparagraphs (a) and (b) thereof.

93. Anna denies that she was aware or should have been aware of the alleged wrongful conduct set forth in this paragraph; as to the balance of the allegations of paragraph 93, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

94. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

95. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

96. Anna denies engaging in any conscious, intentional, or willfully tortious conduct; as to the balance of the allegations of paragraph 96, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE EIGHTH CAUSE OF ACTION

(Accounting - Yoketing and Trinh)

97. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.

98. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

99. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

100. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

101. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

102. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE NINTH CAUSE OF ACTION

(Accounting - Anna)

103. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.

104. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

105. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

106. Anna denies breaching any fiduciary duties to Christina; as to the balance of the allegations of paragraph 106, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

107. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

108. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

109. Anna denies knowingly participating in any illegal conduct; as to the balance of the allegations of paragraph 109, Anna is without knowledge or information sufficient to

form a belief as to the truth of said allegations.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE TENTH CAUSE OF ACTION

(Constructive Trust)

110. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.

111. Anna denies any willful misconduct on Anna's part; as to the balance of the allegations of paragraph 111, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

112. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

113. Anna denies any willful misconduct on Anna's part; as to the balance of the allegations of paragraph 113, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE ELEVENTH CAUSE OF ACTION

(Breach of Fiduciary Duty)

114. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.

115. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

116. Anna denies any willful misconduct; with respect to the balance of the allegations of paragraph 116, including without limitation the allegations of subparagraphs (a) through (c) thereof, Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

117. Anna denies any willful breaches of any alleged fiduciary duties; as to the balance of the allegations of paragraph 117, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

118. Anna denies any alleged willful, wanton, and intentional misconduct and/or abuse of any alleged position of trust; as to the balance of the allegations of paragraph 118, Anna is without knowledge or information sufficient to form a belief as to the truth of said allegations.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE TWELFTH CAUSE OF ACTION

(Violation of the Uniform Commercial Code)

119. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.
120. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
121. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
122. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE THIRTEENTH CAUSE OF ACTION

(Negligence)

123. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.
124. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
125. Anna is without knowledge or information sufficient to form a belief as to the

truth of the allegations of this paragraph.

126. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE FOURTEENTH CAUSE OF ACTION

(Negligent Supervision as to Bank Defendants)

127. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.
128. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
129. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
130. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
131. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE FIFTEENTH CAUSE OF ACTION

(Conversion by Bank Defendants)

132. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.
133. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.
134. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AS TO THE SIXTEENTH CAUSE OF ACTION

(Specific Performance by Corporate Defendants)

135. Anna repeats, realleges, and incorporates by reference her answers to the previous paragraphs of the complaint as if fully set forth at length herein.
136. Anna is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

AFFIRMATIVE DEFENSES

1. Plaintiff's action is barred by the doctrine of unclean hands.
2. Plaintiff's action is barred by the doctrine of laches.
3. Plaintiff's action is barred by the doctrine of estoppel.
4. Plaintiff's action is barred by the doctrine of waiver.
5. Any damages suffered by Plaintiff were caused by third parties over whom Anna had no control and for whose actions Anna is not legally responsible.
6. Plaintiff's action is barred by an applicable statute of limitation.
7. Plaintiff's action is time-barred.
8. Plaintiff's action is barred by an applicable statute, common law doctrine, and/or administrative regulation.
9. Plaintiff's action should be dismissed for failure to state a cause of action upon which relief can be granted.
10. Plaintiff's action is barred by the doctrine of avoidable consequences.
11. Plaintiff failed to mitigate damages.
12. Plaintiff's action is barred by the doctrine of mutual mistake.
13. Plaintiff's s action is barred by the doctrine of illegality.
14. Plaintiff's action is barred by, and/or her damages should be reduced because of, the doctrine of contributory and/or comparative negligence, due to plaintiff's negligence. .
15. Plaintiff has failed to plead fraud with particularity pursuant to Federal Rule of Civil Procedure 9(b).

16. Lack of jurisdiction over the person.
17. Insufficient Service of Process.
18. Improper Venue.
19. The New Jersey Statutes upon which Plaintiff premises certain of her claims do not apply to this case, where the operative facts arose in New York.
20. Plaintiff was aware of, and consented to, the subject involvement of Trinh Eng and Yoketing Eng a/k/a Barry Eng with the estate of Herbert Eng.
21. Plaintiff's action is barred by, and/or her damages should be reduced because of, the doctrine of set-off.
22. Plaintiff's action is barred by the doctrine of assumption of the risk.

WHEREFORE, Anna demands judgment dismissing Plaintiff's complaint, and for costs of suit, lawful attorneys' fees, and for such other relief as the court deems just and proper.

JURY DEMAND

Demand is hereby made for trial by jury on all issues.

/s/ Marc S. Berman

MARC S. BERMAN
Attorney for Defendant ANNA ENG

Dated: June 25, 2012

CERTIFICATION PURSUANT TO L. CIV. R. 11.2

To the best of my knowledge, the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

I certify under penalty of perjury that the foregoing is true and correct.

By: /s/ Marc S. Berman
Marc S. Berman

DATED: June 25, 2012